In the High Court for the States of Punjab and Haryana, at Chandigarh.

F.A.O.No. 3850 of 2007
Decided on Sept 20,2007.

New India Assurance Company Limited -- Appellant.

vs.

Smt.Asha Rani and others -- Respondent.

Present: Mr. Ravinder Arora,Advocate,for the appellant

Permod Kohli, J:(Oral)

This is a first appeal directed against the award dated June 02,2007, passed by learned Motor Accident Claims Tribunal, Hoshiarpur, whereby an award of Rs.2,90,000/- has been passed in favour of the claimants on account of death of Shiv Kumar alias Sonu.

The Insurance Company earlier raised a plea that license of the driver was fake. Evidence was led, which established that the license was valid. After having failed before the Tribunal, the present appeal has been preferred to challenge quantum of compensation awarded.

It has come on record that the deceased was a young man of 25 years of age, who died in the accident. The claimants had claimed higher compensation on the basis of deceased' s income of Rs. 3500/- p.m., but the Tribunal in its wisdom assessed the income of the deceased at

Rs. 2400/- p.m. and after deducting 1/3rd , the dependency was assessed at Rs.1600/- per month and multiplier of 15 has been applied. Under the provisions of Motor Vehicles Act, a multiplier of 17 has been provided. The quantum of compensation is challenged on the ground that the Insurance Company was permitted to contest the claim on merit on being granted leave under Section 170 of the Motor Vehicles Act.

From the perusal of the award, it appears that the Tribunal has passed the award on the basis of evidence before it and there was no plea which could be defended by the Insurance Company. It is unfortunate that the Insurance Company has contested this award on frivolous grounds where death of a young man of 25 years of age has occurred. I do not find any merit.

This appeal is,accordingly, dismissed in limine.

Sept 20,2007 **(Permod Kohli)**
RR **Judge**